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Attorneys for Defendant
PACIFICORP, an Oregon Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KLAMATH RIVERKEEPER, a nonprofit
public benefit corporation; **HOWARD**
McCONNELL; **LEAF G. HILLMAN**;
ROBERT ATTEBERY; and
BLYTHE REIS;

Plaintiffs,

v.

PACIFICORP, INC., an Oregon
Corporation;

Defendant.

CASE NO.: C 07-06199 WHA

**NOTICE BY DEFENDANT PACIFICORP
THAT PLAINTIFFS' COUNSEL HAS NOT
FILED THE UNDERTAKING DESCRIBED
IN THE COURT'S ORDER OF
FEBRUARY 22, 2008**

Judge: Hon. William H. Alsup

1 By order entered February 22, 2008, this Court provided that “[i]f within seven
2 calendar days all plaintiffs’ counsel sign and file a written undertaking to be jointly and severally
3 responsible for all such incremental costs and fees attributable to the delay, then consolidation
4 shall be allowed.” Order at 8. “If plaintiffs counsel do not so agree, then this action shall be
5 dismissed.” *Id.* By this filing, PacifiCorp provides notice that Plaintiffs’ counsel did not file an
6 undertaking by February 29, 2008. Accordingly, PacifiCorp believes that the appropriate course
7 is for the Court to enter an order vacating all pending dates in this case and dismissing the case
8 with prejudice.

9 Dated: March 1, 2008

Respectfully submitted,

10 LATHAM & WATKINS LLP

11
12 By: _____/s/
13 Benjamin J. Horwich
14 Attorneys for Defendant PACIFICORP